

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SAMUEL J. MARTIN, JR.,

Plaintiff,

vs.

STATE OF MONTANA,  
et al.,

Defendants.

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8:06cv28

MEMORANDUM AND ORDER

This matter is before the court pursuant to Fed. R. Civ. P. 4(m) which establishes a time limit for service of process on a defendant in a civil case. The plaintiff received notice of the deadline for service of process on the defendants in the court's Order of March 17, 2006 (filing no. 5), extending the time for service. On June 6, 2006 (filing no. 6), the court issued an Order to Show Cause, directing the plaintiff to explain any reason he may have why this case should not be dismissed, without prejudice, for failure to obtain timely service of process on any defendant, and warning the plaintiff that, in the absence of a timely and sufficient Response to Order to Show Cause, this case may be subject, without further notice, to dismissal without prejudice. The plaintiff has not responded, and service of process has not been obtained on any defendant.

This case has been on file since January 20, 2006. Fed. R. Civ. P. 4(m) allows 120 days for service of process after the filing of the complaint. Therefore, pursuant to Fed. R. Civ. P. 4(m), the plaintiff's complaint and the above-entitled action are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

DATED this 29<sup>th</sup> day of August, 2006.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge